

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 307 of 1995
with
CIVIL APPLICATION No 2767 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HEIRS AND LEGAL REPRESENTATIVE OF DECEASED NAVNITLAL P PATEL

Versus

HEIRS AND LEGAL REPRESENTATIVE OF DECEASED CHIMANLAL POCHABHA

Appearance:

MR JR NANAVATI for Appellants/Applicants

MR MB GANDHI for Respondent/Opponent No. 1

NOTICE SERVED for Respondent/Opponent No. 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 01/12/98

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel on the basis of which it is directed as under.

A. The trial court shall consolidate, hear and

decide on merits and in accordance with law, the two suits namely Civil Suit No. 2616/90 and Civil Suit No. 2355/92. Both the said suits shall be decided as expeditiously as possible and in any case not later than 31st August, 1999.

B. Learned counsel for the respective parties have assured this Court that the parties to the said suits shall cooperate with the trial court in the early disposal of the suit as directed.

C. The trial court is hereby specifically conferred a discretion to impose heavy costs on a party where in the opinion of the trial court unnecessary or unreasonable adjournments are sought.

D. Until the said suits are heard and disposed off as directed hereinabove, the present status quo shall continue.

2. In view of the aforesaid directions, learned counsel for the appellants does not press this appeal for any further relief and the same is accordingly disposed off with no order as to costs.

3. The Registry is directed to send yadi to the trial court forthwith i.e. not later than 5th December, 1998. Direct service is also permitted.

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